

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board. 73

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
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Ex parte ERIC ANDREW KNOPF

Appeal No. 2004-1943
Application No. 09/788,636

ON BRIEF

MAILED
APR 28 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before KRASS, BARRETT and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1, 3, 5-7, 9-11, 14, 15, and 17-33. Claims 2, 4, 8, 12, 13, 16, and 34-42 have been canceled and claim 43 has been

*Cancell non allowed
claims + pass to issue
MAY 5, 2005*

allowed. The amendment filed August 29, 2003 after final rejection was approved for entry by the Examiner as indicated at page 2 of the Answer.

The disclosed invention relates to a portable computer display device in which sections of the device housing are selectively removed or folded away to expose a free edge of the display screen as well as electrical and structural connectors. The exposed connectors are utilized to dock two or more devices together so that the screen edges are in an abutting relationship. Upon docking, the new device configuration is recognized and the desktop area of the display is re-mapped into a single display for the combined device.

Claim 1 is illustrative of the invention and reads as follows

1. A portable computer display device including one or more mating sections for docking with similar portable computer display devices, said display device comprising:

 a computer display with associated supporting cabinet structure;

 said associated supporting cabinet structure having one or more movable exterior sides, where one or more corresponding edges of said display are selectively exposed, said edges exposed by removing or temporarily displacing one or more of said movable exterior sides which protect said one or more exposed display edges, said supporting cabinet

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additionally comprising one or more structural connectors for structurally mating to said similar device;

at least one electrical connector disposed within said associated supporting cabinet structure and proximate to said one or more exterior sides, said at least one electrical connector capable of connecting in a mating relationship with a corresponding electrical connector in said similar portable display device,

said one or more exposed display edges abutting in a substantially coplanar configuration to a corresponding exposed display edge of said second similar portable device when said electrical connectors are connected and said computer display logically re-mapped to be part of a single display comprising the displays of both devices.

The Examiner relies on the following prior art:

Ohgami et al. (Ohgami)	5,574,625	Nov. 12, 1996
Latocha et al. (Latocha)	5,790,371	Aug. 04, 1998

Claims 1, 3, 5-7, 9-11, 14, 15, and 17-33, all of the appealed claims, stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Latocha in view of Ohgami.

Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the Brief (filed Nov. 3, 2003, Paper No. 12) and the Answer (mailed December 3, 2003, Paper No. 13) for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of obviousness relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Brief along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention set forth in claims 1, 3, 5-7, 9-11, and 25-33. We reach the opposite conclusion with respect to the obviousness rejection of claims 14, 15, and 17-24. Accordingly, we affirm-in-part.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073-74, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual

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determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to the Examiner's 35 U.S.C. § 103(a) rejection of appealed independent claims 1 and 25, Appellant asserts that the Examiner has failed to establish a prima facie case of obviousness since all of the claimed limitations are not taught

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or suggested by either of the applied prior art references.

After reviewing the applied Latocha and Ohgami references in light of the arguments of record, we are in general agreement with Appellant's position as stated in the Brief.

Initially, however, we find Appellant's arguments attacking the Examiner's establishment of proper motivation for the proposed combination of Latocha and Ohgami to be unpersuasive. We find no error in the Examiner's line of reasoning (Answer, pages 4, 10, and 11) which asserts the obviousness to the skilled artisan to look to ways to protect the exposed mating ports in Latocha from physical damage caused, for example, by dust contamination. In our view, for the reasons articulated by the Examiner, we find that one of ordinary skill would have logically consulted the teachings of the Ohgami reference which explicitly teaches a solution to the problem of port exposure to physical damage by providing removable covers for protection.

As the Federal Circuit recently stated, ". . . this court has consistently stated that a court or examiner may find a motivation to combine prior art references in the nature of the problem to be solved." See Ruiz v. A.B. Chance Co., 357 F.3d 1270, 1274, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004). See also Pro-

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Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568,

1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), citing In re Rinehart, 531 F.2d. 1048, 1054, 189 USPQ 143, 149 (CCPA 1976) (considering the problem to be solved in a determination of obviousness).

Although we find ample motivation for the Examiner's proposed combination of Latocha and Ohgami, we do, however, find from our review of the record before us no indication from the Examiner as to how and in what manner the references would be combined to arrive at the specific combination set forth in appealed claims 1 and 25. In our view, the Examiner has combined the port dust cover teachings of Ohgami with the portable docking computer displays of Latocha in some vague manner without specifically describing how the teachings would be combined to arrive at the claimed invention. This does not persuade us that one of ordinary skill in the art having the references before her or him, and using her or his own knowledge of the art, would have been put in possession of the claimed subject matter.

Each of the appealed independent claims 1 and 25 recites display cabinet structure which requires movable side sections which selectively expose edges of the display when the movable

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side sections are displaced. Our review of the disclosure of Ohgami reveals that, at best, Ohgami provides a teaching of movable covers to protect portable media ports. In our view, modifying Latocha with the teachings of Ohgami would at most result in a structure which would have movable dust covers protecting the mating ports "m" and "fm" illustrated, for example, in Figure 3a of Latocha. This resulting structure would not satisfy the specific combination set forth in claims 1 and 25 which, as pointed out by Appellant (Brief, page 13), requires that the movable exterior sides selectively expose edges of the display, and not merely the mating ports as the Examiner's position would suggest.

We recognize that the Examiner, at page 12 of the responsive arguments portion of the Answer, asserts that the movable covers adapted to cover the mating ports in Latocha would also necessarily be fitted around the edges of the display screen to selectively expose such edges. We find, however, no evidence in the record before us that would support such a conclusion. The Examiner must not only make requisite findings, based on the

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evidence of record, but must also explain the reasoning by which the findings are deemed to support the asserted conclusion. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002).

In view of the above discussion, since all of the claim limitations are not taught or suggested by the applied prior art, it is our opinion that the Examiner has not established a prima facie case of obviousness with respect to appealed independent claims 1 and 25. Therefore, we do not sustain the Examiner's 35 U.S.C. § 103(a) rejection of claims 1 and 25, nor of claims 3, 5-7, 9-11, and 26-33 dependent thereon.

Turning to a consideration of the Examiner's 35 U.S.C. § 103(a) rejection of claims 14, 15, and 17-24 we note that, while we found Appellant's arguments to be ultimately persuasive with respect to the Examiner's rejection of claims 1, 3, 5-7, 9-11, and 25-33 discussed supra, we reach the opposite conclusion with respect to claims 14, 15, and 17-24. With respect to independent claim 14, after reviewing the Latocha and Ohgami references in light of Appellant's arguments in the Brief, it is our view that Appellant's arguments are not commensurate with the scope of claim 14. In contrast to independent claims 1 and 25,

discussed supra, which have specific limitations directed to the selective exposure of the edges of a display screen upon displacement of a movable cover, the language of claim 14 requires only that, when movable surfaces are moved, the portable computing device "is receptive to being physically mated in a substantially coplanar fashion . . . " to a similar device. Since, as previously discussed, we find ample motivation to the skilled artisan to add movable protective covers, i.e., surfaces, for the exposed mating ports in Latocha in view of the teachings of Ohgami, the resulting structure would result in a device that would allow physical mating when the movable surfaces are displaced. In our opinion, Appellant's arguments improperly attempt to narrow the scope of the claim by implicitly adding disclosed limitations which have no basis in the claim. See In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

With respect to dependent claims 15 and 17-20, we agree with the Examiner that Latocha provides a clear teaching of providing mating ports on a plurality of sides of a display device allowing for the various mating configurations illustrated in Figures 1a through 1f which encompass portrait and landscape orientations.

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Similarly, with respect to dependent claims 21-23, we find no error in the Examiner's interpretation (Answer, pages 11-13) of the disclosed structure of Ohgami as satisfying the removable and foldable surface features of these claims.

Lastly, with respect to dependent claim 24, we agree with the Examiner, that although Appellant contends that Ohgami lacks a disclosure of the claimed synchronization feature, it is actually Latocha which provides this feature (e.g., column 1, line 60 through column 2, line 15).

For the above reasons, since it is our opinion that the Examiner's prima facie case of obviousness has not been overcome by any convincing arguments from Appellant, the Examiner's 35 U.S.C. § 103(a) rejection of claims 14, 15, and 17-24 is sustained.

In summary, with respect to the Examiner's 35 U.S.C. § 103(a) rejection of appealed claims 1, 3, 5-7, 9-11, 14, 15, and 17-33, we have not sustained the rejection of claims 1, 3, 5-7, 9-11, and 25-33, but have sustained the rejection of claims 14, 15, and 17-24. Therefore, the Examiner's decision rejecting claims 1, 3, 5-7, 9-11, 14, 15, and 17-33 is affirmed-in-part.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (effective September 13, 2004; 69 Fed. Reg. 49960 (August 12, 2004); 1286 Off. Gaz. Pat. and TM Office 21 (September 7, 2004)).

AFFIRMED-IN-PART


ERROL A. KRASS)
Administrative Patent Judge)
)

LEE E. BARRETT) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)

JOSEPH F. RUGGIERO)
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